

APPEAL NO. 022792
FILED DECEMBER 27, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on August 29, 2002. Following the hearing, the appellant (carrier's attorney) submitted a request for attorney's fees based upon written justification. The hearing officer issued a Texas Workers' Compensation Commission (Commission) Order for Attorney's Fees, covering services for the period from August 7 through August 30, 2002, approving 8.15 hours out of 15.60 hours requested, for a total approved fee of \$1,036.85 out of \$2,152.57 requested. The hearing officer determined that the excluded fees exceeded Commission guidelines and were unreasonable because the case was neither legally nor factually complex. The carrier's attorney appeals the determination, asserting that the billing was not excessive or unreasonable. No response was filed from either respondent 1 (carrier) or respondent 2 (claimant).

DECISION

Affirmed.

The hearing officer did not err in awarding attorney's fees in the amount of \$1,036.85. We review a hearing officer's award of attorney's fees under an abuse-of-discretion standard. Texas Workers' Compensation Commission Appeal No. 92481, decided October 21, 1992 (Unpublished). In determining whether there has been an abuse of discretion, the Appeals Panel looks to see whether the hearing officer acted without reference to any guiding rules or principles. Texas Workers' Compensation Commission Appeal No. 951943, decided January 2, 1996, citing Morrow v. H.E.B., Inc., 714 S.W.2d 297 (Tex. 1986). Section 408.222 and Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE §§ 152.1 and 152.3 through 152.5 (Rules 152.1 and 152.3 through 152.5) govern fees paid to a carrier's attorney. In view of the record and the applicable law, we cannot conclude that the hearing officer abused her discretion in limiting the award of attorney's fees to the amount of \$1,036.85.

The decision and order of the hearing officer are affirmed.

The true corporate name of the insurance carrier is **AMERICAN CASUALTY COMPANY OF READING, PENNSYLVANIA** and the name and address of its registered agent for service of process is

**CT CORPORATION SYSTEM
350 NORTH ST. PAUL STREET
DALLAS, TEXAS 75201.**

Gary L. Kilgore
Appeals Judge

CONCUR:

Susan M. Kelley
Appeals Judge

Edward Vilano
Appeals Judge